

REMARKS

In the Final Office Action dated November 3, 2005, the Examiner rejected claims 32, 37-40, 45-48, and 53-56 under 35 U.S.C. § 103(a) as being unpatentable over Pare Jr. et al. ("Pare") (U.S. Patent No. 5,870,723) in view of Griffith et al. ("Griffith") (U.S. Patent No. 4,825,050); and indicated that claims 33-36, 41-44, and 49-52 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Applicants wish to thank the Examiner for speaking with Applicants' representatives during an interview on January 11, 2006. The remarks presented below are consistent with the topics discussed during the interview.

Applicants respectfully traverse the rejection of claims 32, 37-40, 45-48, and 53-56 under 35 U.S.C. § 103(a) as being unpatentable over Pare in view of Griffith. As admitted by the Examiner during the interview, no *prima facie* case of obviousness has been established with respect to claim 32 for at least the reason that the combination of Pare and Griffith fails to disclose or suggest every claim element included in claim 32.

For example, claim 32 recites a combination of elements including, *inter alia*, "a verifier that verifies the integrity of the secure endorsed transaction by . . . comparing a *stored unique code* derived by decrypting the digital signature using the second key *with a computed unique code* derived from the human identifier and the transaction data." As admitted by the Examiner during the interview, Pare and Griffith taken alone, or in combination, fail to teach or suggest at least the above-mentioned claim element. The alleged disclosure in Pare of comparing biometric samples and PINs with previously registered biometric samples and PINs, and determining financial accounts using a

buyer's index code and a seller identification code (see Pare, column 4, lines 43-54) does not constitute "comparing *a stored unique code* derived by decrypting the digital signature using the second key *with a computed unique code* derived from the human identifier and the transaction data," as recited by claim 32. Furthermore, Griffith, relied on for its disclosure of a digital signature processor that generates a digital signature (see Final Office Action at page 3), fails to cure the deficiency of Pare. Therefore, claim 32 is allowable for at least the reasons set forth above.

Independent claims 40 and 48, although different in scope, include elements similar to the elements of claim 32 and are accordingly allowable for at least the reasons discussed above.

Dependent claims 37-39, 45-47, and 53-56 ultimately depend on one of claims 32, 40, and 48, and, therefore, are allowable for at least the reasons discussed above and in view of their additional recitations of novelty.

Moreover, the Examiner alleged that the Applicants stated "that the claims of the present invention are directed towards a different purpose and are not obvious in view of the prior art." See Office Action at page 2. Applicants submit that they made no such statement in the Reply to Office Action of August 12, 2005. If the Examiner maintains this allegation, Applicants respectfully request that the Examiner indicate to Applicants the specific portions of the Reply to Office Action of August 12, 2005, where the alleged statement was made.

Applicants respectfully request that this Reply under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 32, 37-40, 45-48 and 53-56 in condition for allowance.

In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the withdrawal of the finality of the rejection, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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